

By: Representative Ford

To: Public Health and Welfare

HOUSE BILL NO. 475

1 AN ACT TO REENACT SECTIONS 73-38-1 THROUGH 73-38-36,
2 MISSISSIPPI CODE OF 1972, WHICH ARE THE SPEECH PATHOLOGISTS AND
3 AUDIOLOGISTS LICENSURE LAW; TO AMEND SECTION 73-38-38, MISSISSIPPI
4 CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE SPEECH
5 PATHOLOGISTS AND AUDIOLOGISTS LICENSURE LAW; AND FOR RELATED
6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 73-38-1, Mississippi Code of 1972, is
9 reenacted as follows:

10 73-38-1. The State Board of Health, established and
11 empowered by Section 41-3-1 et seq., shall discharge as additional
12 duties and responsibilities the provisions of this chapter in the
13 examination, licensing and regulation of persons who provide
14 services in the areas of speech-language pathology and audiology.

15 **SECTION 2.** Section 73-38-3, Mississippi Code of 1972, is
16 reenacted as follows:

17 73-38-3. The following definitions apply as used in this
18 chapter, unless the context otherwise requires:

19 (a) "Board" means the Mississippi State Board of
20 Health.

21 (b) "Council" means the Mississippi Council of Advisors
22 in Speech-Language Pathology and Audiology as established in
23 Section 73-38-11.

24 (c) "Person" means any individual, organization or
25 corporate body, except that only an individual may be licensed
26 under this chapter.

27 (d) "Speech-language pathologist" means an individual
28 who practices speech-language pathology and who presents himself
29 to the public by any title or description of services



30 incorporating the words "speech pathologist," "speech-language
31 pathologist," "speech therapist," "speech correctionist," "speech
32 clinician," "language pathologist," "language therapist,"
33 "logopedist," "communicologist," "voice therapist," "voice
34 pathologist," or any similar title or description of services.

35 (e) "Speech-language pathology" means the application
36 of principles, methods and procedures for the measurement,
37 testing, evaluation, prediction, counseling, instruction,
38 habilitation or rehabilitation related to the development and
39 disorders of speech, voice, language or for the purpose of
40 evaluating, preventing, ameliorating or modifying such disorders
41 and conditions in individuals and/or groups of individuals.

42 (f) "Audiologist" means an individual who practices
43 audiology and who presents himself to the public by any title or
44 description of services incorporating the words "audiologist,"
45 "hearing clinician," "hearing therapist," or any similar title or
46 description of service.

47 (g) "Audiology" means the application of principles,
48 methods and procedures of measurement, testing, evaluation,
49 prediction, consultation, counseling, instruction, habilitation or
50 rehabilitation related to hearing and disorders of hearing for the
51 purpose of evaluating, identifying, preventing, ameliorating or
52 modifying such disorders and conditions in individuals and/or
53 groups of individuals; and for the purpose of this subsection the
54 words "habilitation" and "rehabilitation" include, but are not
55 limited to hearing aid evaluation, and auditory training, and
56 speech reading.

57 (h) "Speech-language pathology aide" means an
58 individual who meets minimum qualifications which the council may
59 establish for speech-language pathology aides, which
60 qualifications shall be less than those established by this
61 chapter as necessary for licensure as a speech-language



62 pathologist, and who works under the supervision of a licensed
63 speech-language pathologist.

64 (i) "Audiology aide" means an individual who meets
65 minimum qualifications which the council may establish for
66 audiology aides, which qualifications shall be less than those
67 established by this chapter as necessary for licensure as an
68 audiologist, and who works under the supervision of a licensed
69 audiologist.

70 (j) "ASHA" means the American Speech-Language-Hearing
71 Association.

72 **SECTION 3.** Section 73-38-5, Mississippi Code of 1972, is
73 reenacted as follows:

74 73-38-5. (1) Licensure shall be granted either in
75 speech-language pathology or audiology independently. A person
76 may be licensed in both areas if he meets the respective
77 qualifications.

78 (2) No person shall practice or represent himself as a
79 speech-language pathologist or audiologist in this state unless he
80 is licensed in accordance with the provisions of this chapter.

81 **SECTION 4.** Section 73-38-7, Mississippi Code of 1972, is
82 reenacted as follows:

83 73-38-7. Nothing in this chapter shall be construed as
84 preventing or restricting:

85 (a) A physician from engaging in the practice of
86 medicine in this state, or a person using an audiometer to test
87 hearing under the direct supervision of a licensed physician,
88 provided such person does not present himself to the public by any
89 title or description of services incorporating the words
90 "audiologist," "hearing clinician," "hearing therapist," or any
91 similar title or description of services;

92 (b) Any person licensed as a hearing aid dispenser from
93 measuring and testing hearing in relation to the fitting, usage
94 and dispensing of hearing aids or rendering post fitting services



95 to his clients or using any title provided in Sections 73-14-1
96 through 73-14-47;

97 (c) Any person licensed in this state by any other law
98 from engaging in the profession or occupation for which he is
99 licensed;

100 (d) A person from being employed or working in a
101 volunteer capacity without a license, as provided in this chapter,
102 as a speech-language pathologist or audiologist by the government
103 of the United States or by the governing authority of any school
104 district or private or parochial school in this state, if such
105 person performs speech-language pathology or audiology services
106 solely within the confines or under the jurisdiction of the
107 organization by which he is employed, or working in a volunteer
108 capacity; however, such person may, without obtaining a license
109 under this chapter, consult with or disseminate his research
110 findings and other scientific information to speech-language
111 pathologists and audiologists outside the jurisdiction of the
112 organization by which he is employed; such person may also offer
113 lectures to the public for a fee, monetary or other, without being
114 licensed under this chapter; such person may additionally elect to
115 be subject to this chapter.

116 (e) The activities and services of persons pursuing a
117 course of study leading to a degree in speech-language pathology
118 at a college or university if such activities and services
119 constitute a part of the supervised course of study and that such
120 person is designated speech-language pathology intern,
121 speech-language pathology trainee, or by other such titles clearly
122 indicating the training status appropriate to his level of
123 training;

124 (f) The activities and services of a person pursuing a
125 course of study leading to a degree in audiology at a college or
126 university if such activities and services constitute a part of a
127 supervised course of study and such person is designated audiology



128 intern, audiology trainee, or by any other such titles clearly
129 indicating the training status appropriate to his level of
130 training; or

131 (g) The performance of speech-language pathology or
132 audiology services in this state by any person not a resident of
133 this state who is not licensed under this chapter if such services
134 are performed for no more than five (5) days in any calendar year
135 and in cooperation with a speech-language pathologist or
136 audiologist licensed under this chapter, and if such person meets
137 the qualifications and requirements for application for licensure
138 described in subsections (a) through (c) of Section 73-38-9;
139 however, a person not a resident of this state who is not licensed
140 under this chapter, but who is licensed under the law of another
141 state which has established licensure requirements at least
142 equivalent to those established by Section 73-38-9, or who is the
143 holder of the ASHA Certificate of Clinical Competence in
144 Speech-Language Pathology or Audiology or its equivalent, may
145 offer speech-language pathology or audiology services in this
146 state for no more than thirty (30) days in any calendar year if
147 such services are performed in cooperation with a speech-language
148 pathologist or audiologist licensed under this chapter; or

149 (h) Any person employed by a private industry or firm
150 for the purpose of conducting hearing tests incident to the
151 operations of such firm or industry relative to its employees and
152 employment practices.

153 **SECTION 5.** Section 73-38-9, Mississippi Code of 1972, is
154 reenacted as follows:

155 73-38-9. To be eligible for licensure by the board as a
156 speech-language pathologist or audiologist and to be eligible for
157 registration as a speech-language pathology aide or audiology
158 aide, a person shall:

159 (a) Be of good moral character;



160 (b) (1) For speech-language pathologists or
161 audiologists, possess at least a master's degree or its equivalent
162 in the area of speech-language pathology or audiology, as the case
163 may be, from an educational institution recognized by the board;

164 (2) For speech-language pathology aide or
165 audiology aide, the board shall set minimum educational standards
166 which shall be less than a bachelor's degree;

167 (c) For speech-language pathologists and audiologists,
168 submit evidence of the completion of the educational, clinical
169 experience and employment requirements, which requirements shall
170 be based on appropriate national standards and prescribed by the
171 rules and regulations adopted pursuant to this chapter;

172 (d) For speech-language pathologists and audiologists,
173 pass an examination approved by the board. This examination may
174 be taken either before or after the completion of the employment
175 requirement specified pursuant to subsection (c) of this section;

176 (e) For speech-language pathology aides and audiology
177 aides, no examination shall be required.

178 **SECTION 6.** Section 73-38-11, Mississippi Code of 1972, is
179 reenacted as follows:

180 73-38-11. (1) There is established the Mississippi Council
181 of Advisors in Speech-Language Pathology and Audiology under the
182 jurisdiction of the Mississippi State Board of Health.

183 (2) The council shall be comprised of five (5) members. Two
184 (2) council members shall be speech-language pathologists and two
185 (2) council members shall be audiologists with the fifth council
186 member being a licensed physician, board certified in
187 otolaryngology. All council members who are speech-language
188 pathologists or audiologists shall at all times be holders of
189 active and valid licenses for the practice of speech-language
190 pathology and audiology in this state and shall be holders of the
191 ASHA Certificate of Clinical Competence in Speech-Language
192 Pathology or Audiology or its equivalent.



193 (3) One (1) member shall be appointed from each Supreme
194 Court district as presently constituted; and two (2) members shall
195 be appointed from the state at large. No more than two (2)
196 members of the council shall be appointed from any one (1) Supreme
197 Court district as presently constituted. Appointments made shall
198 be for three-year terms, with no person being eligible to serve
199 more than two (2) full consecutive terms. Terms shall begin on
200 the first day of the calendar year and end on the last day of the
201 calendar year.

202 (4) Not less than sixty (60) days before the end of each
203 calendar year, the Mississippi Speech-Language-Hearing Association
204 will submit the names of at least three (3) persons for each
205 speech-language pathologist or audiologist vacancy and the
206 Mississippi Eye, Ear, Nose and Throat Association will submit the
207 names of at least three (3) persons for an otolaryngologist
208 vacancy occurring at the end of the calendar year. The board
209 shall make all appointments of council members from the list of
210 names submitted by each association within sixty (60) days after
211 receiving the lists. In the event of a vacancy, the board shall,
212 within thirty (30) days after such vacancy, appoint a person from
213 the previous list of names submitted who shall fill the unexpired
214 term.

215 (5) The council shall meet during the first month of each
216 calendar year to select a chairman and for other appropriate
217 purposes. At least one (1) additional meeting shall be held
218 before the end of each calendar year. Further meetings may be
219 convened at the call of the chairman or the written request of any
220 two (2) council members. All meetings of the council shall be
221 open to the public, except that the council may hold closed
222 sessions to prepare, approve, grade or administer examinations, or
223 upon request of an applicant who fails an examination, to prepare
224 a response indicating any reason for his failure. The public
225 shall be notified of meetings of the council through at least one



226 (1) newspaper of general circulation in the state and public
227 information channels not less than ten (10) calendar days before
228 such meetings are held.

229 (6) Three (3) members of the council shall constitute a
230 quorum for all purposes, but in no instance shall a meeting of
231 four (4) council members be considered a quorum if there is not at
232 least one (1) speech-language pathologist and one (1) audiologist
233 present.

234 **SECTION 7.** Section 73-38-13, Mississippi Code of 1972, is
235 reenacted as follows:

236 73-38-13. (1) The board shall have full authority to
237 investigate and evaluate each and every applicant applying for a
238 license to practice speech-language pathology or a license to
239 practice audiology with the advice of the council.

240 (2) The board shall have the authority to issue subpoenas,
241 examine witnesses and administer oaths, and shall, at its
242 discretion, investigate allegations or practices violating the
243 provisions of this chapter.

244 (3) The board shall adopt such rules and regulations not
245 inconsistent with the laws of this state as may be necessary to
246 effectuate the provisions of this chapter and may amend or repeal
247 the same as may be necessary for such purposes, with the advice of
248 the council.

249 (4) The conferral or enumeration of specific powers
250 elsewhere in this chapter shall not be construed as a limitation
251 of the general functions conferred by this section.

252 **SECTION 8.** Section 73-38-15, Mississippi Code of 1972, is
253 reenacted as follows:

254 73-38-15. (1) The administration of the provisions of this
255 chapter shall be financed from income accruing from fees, licenses
256 and other charges assessed and collected by the board and from
257 such other funds available to the board.



258 (2) The board shall receive and account for all funds
259 received and shall keep such funds in a separate fund. Funds
260 collected under the provisions of this chapter shall be used
261 solely for the compensation and expenses of the council and the
262 board and to administer the provisions of this chapter, which may
263 include full or partial financing of continuing education programs
264 promulgated by the council under Section 73-38-33. Such funds
265 shall be subject to audit by the Auditor of the State of
266 Mississippi.

267 (3) Members of the council shall receive no compensation for
268 their services, but shall receive travel and other expenses
269 necessarily incurred in the discharge of official duties.

270 **SECTION 9.** Section 73-38-17, Mississippi Code of 1972, is
271 reenacted as follows:

272 73-38-17. (1) The board shall issue licenses and notices of
273 renewal, revocation, suspension or reinstatement and shall publish
274 annually the names of persons licensed under this chapter.

275 (2) The board shall publish and disseminate to all
276 licensees, in an appropriate manner, the licensure standards
277 prescribed by this chapter, any amendments thereto, and such rules
278 and regulations as the board may adopt under the authority vested
279 by Section 73-38-13 within sixty (60) days of their adoptions.

280 **SECTION 10.** Section 73-38-19, Mississippi Code of 1972, is
281 reenacted as follows:

282 73-38-19. (1) A person eligible for licensure under Section
283 73-38-9 and desirous of licensure shall make application for
284 examination to the board at least thirty (30) days prior to the
285 date of examination upon a form and in such manner as the board
286 shall prescribe.

287 (2) Any application shall be accompanied by the fee
288 prescribed by Section 73-38-31, which fee shall in no case be
289 refunded.



290 (3) A person who fails an examination may make application
291 for reexamination if he again meets the requirements of
292 subsections (1) and (2) of this section.

293 (4) A person certified by ASHA or licensed under the law of
294 another state, a territory of the United States, or the District
295 of Columbia as a speech-language pathologist or audiologist who
296 has applied for examination under this section may perform
297 speech-language pathology and audiology services in this state
298 prior to a determination by the board that such person has
299 successfully completed examination for licensure.

300 (5) Each application or filing made under this section shall
301 include the Social Security number(s) of the applicant in
302 accordance with Section 93-11-64, Mississippi Code of 1972.

303 **SECTION 11.** Section 73-38-21, Mississippi Code of 1972, is
304 reenacted as follows:

305 73-38-21. (1) Each applicant for licensure under this
306 chapter shall be examined by the board in written examination.
307 Standards for acceptable performance shall be established by the
308 board with the advice of the council.

309 (2) Applicants for licensure shall be examined at a time and
310 place and under such supervision as the board may determine.
311 Examinations shall be given at such places within this state as
312 the board may determine at least twice each year and the board
313 shall make public, in a manner it considers appropriate, notice of
314 such examinations at least sixty (60) days prior to their
315 administration, and shall appropriately notify all individual
316 examination applicants of the time and place of their
317 administration.

318 (3) The board may examine in whatever theoretical or applied
319 field of speech-language pathology and audiology it considers
320 appropriate and may examine with regard to a person's professional
321 skills and judgment in the utilization of speech-language
322 pathology or audiology techniques and methods.



323 (4) The board shall maintain a permanent record of all
324 examination scores.

325 **SECTION 12.** Section 73-38-23, Mississippi Code of 1972, is
326 reenacted as follows:

327 73-38-23. (1) The board shall waive the requirements of
328 subsections (b) and (c) of Section 73-38-9 for those applicants
329 for licensure who, on the effective date of this section, are
330 actually engaged in this state in the practice of speech-language
331 pathology or audiology, upon proof of bona fide practice presented
332 to the board. However, any such applicant must meet the
333 requirements of subsections (b) through (d) of Section 73-38-9
334 within five (5) years of the effective date of this section.

335 (2) The board may waive the examination for licensure of any
336 applicant who shall present proof of current licensure in another
337 state, including the District of Columbia, or territory of the
338 United States which maintains professional standards considered by
339 the council to be equivalent to those set forth in this chapter.

340 (3) The board shall waive the examination for licensure of
341 any person certified as clinically competent by ASHA in the area
342 for which such person is applying for licensure.

343 **SECTION 13.** Section 73-38-25, Mississippi Code of 1972, is
344 reenacted as follows:

345 73-38-25. (1) The board shall issue a license to any person
346 who meets the requirements of this chapter and who pays to the
347 board the fees prescribed in Section 73-38-31.

348 (2) (a) An applicant who fulfills all the requirements for
349 licensure except professional employment and/or examination or
350 persons granted a waiver under subsection (1) of Section 73-38-23
351 may apply to the board for a temporary license.

352 (b) Upon receiving an application provided under
353 subsection (2) (a), the board shall issue a temporary license which
354 entitles the applicant to practice speech-language pathology or
355 audiology under the supervision of a licensee with licensure in



356 the appropriate specialty while completing the requirements for
357 licensure.

358 (c) No temporary license shall be issued by the board
359 under this section unless the applicant shows to the satisfaction
360 of the board that he is or will be supervised and trained by a
361 person who holds a license in the appropriate specialty or unless
362 the applicant is granted a waiver under subsection (1) of Section
363 73-38-23.

364 (d) The temporary license shall be effective for one
365 (1) licensure period and may be renewed upon board approval.

366 (3) (a) Each person licensed under this chapter who
367 supervises a speech-language pathology or audiology aide shall
368 register the same with the board.

369 (b) The licensee who supervises aides is responsible
370 for the services provided to the client by said aides and may
371 suffer suspension, revocation or other appropriate penalty for
372 failure to exercise his responsibilities in the supervision of
373 aides.

374 (c) Speech-language pathology and audiology aides shall
375 pay to the board a registration fee as prescribed in Section
376 73-38-31, subsection (1).

377 **SECTION 14.** Section 73-38-27, Mississippi Code of 1972, is
378 reenacted as follows:

379 73-38-27. (1) The board may refuse to issue or renew a
380 license, or may suspend or revoke a license where the licensee or
381 applicant for license has been guilty of unprofessional conduct
382 which has endangered or is likely to endanger the health, welfare
383 or safety of the public. Such unprofessional conduct may result
384 from:

385 (a) Obtaining a license by means of fraud,
386 misrepresentation or concealment of material facts;

387 (b) Being guilty of unprofessional conduct as defined
388 by the rules established by the board;



389 (c) Being convicted of a felony in any court of the
390 United States if the acts for which he is convicted are found by
391 the board to have a direct bearing on whether he should be
392 entrusted to serve the public in the capacity of a speech-language
393 pathologist or audiologist;

394 (d) Violating any lawful order, rule or regulation
395 rendered or adopted by the board;

396 (e) Violating any provisions of this chapter.

397 (2) The board may deny an application for, or suspend,
398 revoke or impose probationary conditions upon a license upon
399 recommendations of the council made after a hearing as provided in
400 this chapter. One (1) year from the date of revocation of a
401 license under this section, application may be made to the board
402 for reinstatement. The board shall have discretion to accept or
403 reject an application for reinstatement and may require an
404 examination for such reinstatement.

405 (3) A plea or verdict of guilty, or a conviction following a
406 plea of nolo contendere, made to a charge of a felony or of any
407 offense involving moral turpitude is a conviction within the
408 meaning of this section. After due notice and administrative
409 hearing, the license of the person so convicted shall be suspended
410 or revoked or the board shall decline to issue a license when:

411 (a) The time for appeal has elapsed;

412 (b) The judgment of conviction has been affirmed on
413 appeal; or

414 (c) An order granting probation has been made
415 suspending the imposition of sentence, without regard to a
416 subsequent order allowing the withdrawal of a guilty plea and the
417 substitution therefor of a not guilty plea, or the setting aside
418 of a guilty verdict, or the dismissal of the acquisition,
419 information or indictment.



420 (4) Within thirty (30) days after any order or act of the
421 board, any person aggrieved thereby may appeal to the chancery
422 court of the county where such person resides.

423 (5) Notice of appeals shall be filed in the office of the
424 clerk of the court, who shall issue a writ of certiorari directed
425 to the board, commanding it within ten (10) days after service
426 thereof to certify to such court its entire record in the matter
427 in which the appeal has been taken. The appeal shall thereupon be
428 heard in the due course by said court, and the court shall review
429 the record and make its determination of the cause between the
430 parties.

431 (6) Any order, rule or decision of the board shall not take
432 effect until after the time of appeal in the said court shall have
433 expired. In the event an appeal is taken by a defendant, such
434 appeal shall not act as a supersedeas, and the court shall enter
435 its decision promptly.

436 (7) Any person taking an appeal shall post a satisfactory
437 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
438 any cost which may be adjudged against him.

439 (8) In addition to the reasons specified in subsection (1)
440 of this section, the board shall be authorized to suspend the
441 license of any licensee for being out of compliance with an order
442 for support, as defined in Section 93-11-153. The procedure for
443 suspension of a license for being out of compliance with an order
444 for support, and the procedure for the reissuance or reinstatement
445 of a license suspended for that purpose, and the payment of any
446 fees for the reissuance or reinstatement of a license suspended
447 for that purpose, shall be governed by Section 93-11-157 or
448 93-11-163, as the case may be. Actions taken by the board in
449 suspending a license when required by Section 93-11-157 or
450 93-11-163 are not actions from which an appeal may be taken under
451 this section. Any appeal of a license suspension that is required
452 by Section 93-11-157 or 93-11-163 shall be taken in accordance



453 with the appeal procedure specified in Section 93-11-157 or
454 93-11-163, as the case may be, rather than the procedure specified
455 in this section. If there is any conflict between any provision
456 of Section 93-11-157 or 93-11-163 and any provision of this
457 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
458 case may be, shall control.

459 **SECTION 15.** Section 73-38-29, Mississippi Code of 1972, is
460 reenacted as follows:

461 73-38-29. (1) Licenses issued under this chapter shall
462 expire and become invalid at midnight.

463 (2) Every person licensed under this chapter shall, on or
464 before the license expiration date, pay a fee for the biennial
465 renewal of license to the board. The board may suspend the
466 license of any person who fails to have his license renewed by the
467 expiration date. After the expiration date, the board may renew a
468 license upon payment of a fee to the board. No person who
469 requests renewal of license, whose license has expired, shall be
470 required to submit to examination as a condition to renewal, if
471 such renewal application is made within two (2) years from the
472 date of such expiration.

473 (3) A suspended license is subject to expiration and may be
474 renewed as provided in this section, but such renewal shall not
475 entitle the licensee, while the license remains suspended and
476 until it is reinstated, to engage in the licensed activity, or in
477 any other conduct or activity in violation of the order or
478 judgment by which the license was suspended.

479 (4) A license revoked on disciplinary grounds is subject to
480 expiration as provided in subsection (1) of this section, but it
481 may not be renewed. If such license is reinstated after its
482 expiration, the licensee, as a condition of reinstatement, shall
483 pay a reinstatement fee in an amount equal to the fee for a
484 license issued after the expiration date which is in effect on the
485 last preceding regular renewal date before the date on which it is



486 reinstated. The procedure for the reinstatement of a license that
487 is suspended for being out of compliance with an order for
488 support, as defined in Section 93-11-153, shall be governed by
489 Section 93-11-157 or 93-11-163, as the case may be.

490 (5) Any person who fails to renew his license within the two
491 (2) years after the date of its expiration may not renew it, and
492 it may not be restored, reissued or reinstated thereafter, but
493 such person may apply for and obtain a new license if he meets the
494 requirements of this chapter.

495 **SECTION 16.** Section 73-38-31, Mississippi Code of 1972, is
496 reenacted as follows:

497 73-38-31. (1) The board shall assess fees for the following
498 purposes:

- 499 (a) Initial licensing;
- 500 (b) Renewal of licensure;
- 501 (c) License issued after expiration date;
- 502 (d) Late renewal payment penalty;
- 503 (e) Temporary license;
- 504 (f) Renewal of temporary license; and
- 505 (g) Registration of aides.

506 (2) Every person to whom a license is issued pursuant to
507 this chapter shall, as a condition precedent to its issuance, and
508 in addition to any application, examination or other fee, pay the
509 prescribed initial license fee.

510 (3) Fees prescribed in subsection (1) of this section shall
511 be exclusive and no municipality shall have the right to require
512 any person licensed under this chapter to furnish any bond, pass
513 any examination, or pay any license fee or occupational tax.

514 (4) Fees listed in subsection (1) of this section shall be
515 commensurate to the extent feasible with the cost of fulfilling
516 the duties of the board and council as defined by this chapter;
517 however, no individual fee shall exceed One Hundred Dollars
518 (\$100.00).



519 **SECTION 17.** Section 73-38-33, Mississippi Code of 1972, is
520 reenacted as follows:

521 73-38-33. The board shall require the applicant for license
522 renewal to present evidence of the satisfactory completion of
523 continuing education requirements as determined by the board.

524 **SECTION 18.** Section 73-38-35, Mississippi Code of 1972, is
525 reenacted as follows:

526 73-38-35. Any person who violates any provision of this
527 chapter shall, upon conviction, be guilty of a misdemeanor and
528 shall be punished by a fine of not more than One Thousand Dollars
529 (\$1,000.00) or imprisoned in the county jail for a period not
530 exceeding six (6) months, or both.

531 **SECTION 19.** Section 73-38-36, Mississippi Code of 1972, is
532 reenacted as follows:

533 73-38-36. All fees collected by the State Board of Health
534 under this chapter and any penalties collected by the board for
535 violations of this chapter shall be deposited in a special fund
536 hereby created in the State Treasury and shall be used for the
537 implementation and administration of this chapter when
538 appropriated by the Legislature for such purpose.

539 **SECTION 20.** Section 73-38-38, Mississippi Code of 1972, is
540 amended as follows:

541 73-38-38. Sections 73-38-1 through 73-38-36 shall stand
542 repealed on July 1, 2003.

543 **SECTION 21.** This act shall take effect and be in force from
544 and after July 1, 2002.

